

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2005-032378-001 SE

10/19/2005

HON. SHERRY K. STEPHENS

CLERK OF THE COURT  
T. Gatz  
Deputy

FILED: 10/21/2005

STATE OF ARIZONA

KIRK DANA SMITH

v.

INGRID L MORATAYA (001)  
DOB: 12/31/1978

TRACEY WESTERHAUSEN

APO-SENTENCINGS-SE  
APPEALS-SE  
DISPOSITION CLERK-CSC  
MCSO-DIS  
RFR  
VICTIM SERVICES DIV-CA-SE

UNSUPERVISED PROBATION

8:50 a.m.

State's Attorney:	James Blair for Kirk Smith
Defendant's Attorney:	Tracey Westerhausen
Defendant:	Present
Court Reporter:	Dana Smith

Count(s) 1 and 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1: DRIVING UNDER THE INFLUENCE OF INTOXICATING  
LIQUOR OR DRUGS

Class 1 misdemeanor

A.R.S. § 28-1381(A)(1), 28-1381(I), 28-1444, 28-3301, 28-3304, 28-3305, 28-3306, 28-3315, 28-3320, 13-707 and 13-802

Date of Offense: 04/12/2005

Non Dangerous - Non Repetitive

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OFFENSE: Count 3: (AMENDED) POSSESSION OF MARIJUANA

Class 1 misdemeanor

A.R.S. § 13-3401, 13-3405, 13-3418, 13-701, 13-702, 13-801, 13-707 and 13-802

Date of Offense: 04/12/2005

Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 1 Probation Term: 1 year

To begin 10/19/2005.

3. IT IS ORDERED that probation in Count 1 shall run concurrent with probation in Count

Count 3 Probation Term: 1 year

To begin 10/19/2005.

1. IT IS ORDERED that probation in Count 3 shall run concurrent with probation in Count

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: Count 1 - \$50.00 per month, beginning 10/19/2005.

FINE: Count 1 - Total amount of \$450.00, which includes surcharges of 80%, payable in full by 10/19/2005.

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$5.00

FINE: Count 3 - Total amount of \$750.00, payable in full by 10/19/2005. Surcharges are waived.

ASSESSMENTS:

Count 3: PROBATION SURCHARGE: \$5.00

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All amounts payable through the Clerk of the Superior Court.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 19 - Count 1: Complete 24 hours of approved community work service at a minimum rate of 0 hours per month beginning as directed in writing by the Adult Probation Department.

Condition 21 - Count 1: Be incarcerated in the county jail for 1 day(s), beginning 11/08/2005 at 8:00 a.m. with credit for 0 served.

Not to be released until 11/09/2005 at 7:00 a.m.

Report to the APD within 0 hours of release from jail. Comply with all program rules.

IT IS ORDERED that the Defendant pay incarceration costs through the Clerk of the Superior Court in the total amount of \$75.00. Payment shall be made in regular monthly payments of \$75.00 beginning 10/19/2005 and on the first day of each month thereafter until paid in full.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion to Dismiss the following: Count 2.

Count(s) 1: IT IS ORDERED Defendant self-surrender to the custody of the Maricopa County Sheriff and authorizing the Sheriff to carry out the term of incarceration.

Defendant has waived the preparation of a presentence report.

8:57 a.m. Matter concludes.

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HON. SHERRY K. STEPHENS  
JUDGE OF THE SUPERIOR COURT

(thumbprint)